

REMARKS/ARGUMENTS

Claims 18, 19, and 21-65 are pending in this application. Claims 23, 26-30, and 51-65 are withdrawn. Claims 18, 19, 21, 22, 24, 25, 31-33, 35-40, and 43-50 stand rejected. Claims 34, 41, and 42 were objected to as dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 18, 21, and 50 are amended.

35 U.S.C. § 102 and § 103 Rejections

The Office Action rejected claims 18, 19, 21, 22, 24, 25, 31-33, 35-39, 43-48, and 50 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,378,023 to Trabucco. By this response, claims 18 and 50 are amended. Amended claim 18 recites an apparatus for inserting an electrode into a myocardium of the heart. The apparatus comprises “an anchor,” “a tension element attached to the anchor and adapted to be movably accommodated through the electrode,” and “a tool detachably coupled to the attachment area for inserting the anchor through the myocardium to an operating position.” Claim 43 recites an apparatus for inserting an electrode into a myocardium of the heart comprising “an anchor,” “a tension element attached to the anchor,” and “a first heart pacemaker electrode defining an inner guide channel to movably accommodate the tension element therethrough.” Claim 50 recites an apparatus for inserting an electrode into a myocardium of a heart comprising “a tension element,” “an electrode defining an inner guide channel to movably accommodate the tension element therethrough,” and “means for anchoring an end of the tension element” that is “attached to the tension element.”

Trabucco teaches an electrode device 1 that includes an electrically conductive core 2 and an electrically insulating sleeve 19 filling a shoulder 18 of the core 2. Col. 8, line 42-col. 9, line 1. A helical conductor 21 is connected to the rear portion 20 of the core 2 and to the sleeve 19. Col. 9, lines 1-7. Anchoring members 9 and 10 are housed within the core 2. Col. 9, lines 8-14. A removable stylet 16 is used to implant the device. Col. 8, lines 61-65.

The Applicant respectfully asserts that claims 18, 43, and 50 are patentable over Trabucco because Trabucco does not teach or suggest a tension element adapted to be movably accommodated through an electrode and attached to an anchor or to a means for anchoring.

The Office Action asserted that either the stylet 16 or the sleeve 19 can be considered a tension element. The stylet 16, however, is not attached to the core 2. Rather, the stylet 16 is removable. Col. 8, lines 64-65, col. 14, lines 48-52. Thus, the stylet 16 is not a tension element attached to an anchor or to a means for anchoring. The sleeve 19 also is not a tension element. Instead, the sleeve 19 is the electrically insulating exterior of the electrode device 1 that is coupled to the core 2. Col. 8, lines 66-68. The sleeve 19 therefore is not a tension element adapted to be movably accommodated through the electrode. Thus, Trabucco does not teach or suggest a tension element adapted to be movably accommodated through an electrode and attached to an anchor or to a means for anchoring. Claims 18, 43, and 50 are neither anticipated by nor obvious in view of Trabucco. The Applicant respectfully requests the allowance of claims 18, 43, and 50.

The Office Action also rejected claims 19, 21, 22, 24, 25, 31-33, 35-39, and 44-48 as anticipated by Trabucco. Claims 39, 40, and 49 were rejected under 35 U.S.C. § 103(a) as unpatentable over Trabucco in view of U.S. Patent No. 3,244,174 to Wesbey et al. Claims 19, 21, 22, 24, 25, 31-33, and 34-42 depend from claim 18 and claims 44-49 depend from claim 43. Claim 21 was amended to reflect the amendment of claim 18. These dependent claims include all the limitations of their respective independent claims and therefore are patentable at least for the reasons set forth with respect to claims 18 and 43. The Applicant respectfully requests the allowance of claims 19, 21, 22, 24, 25, 31-33, 34-42, and 44-49.

In conclusion, the Applicant believes that claims 18, 19, 21-22, 24-25, 31-42, and 43-50 are allowable. The Examiner is invited to contact the undersigned at the number listed below with any remaining questions.

Respectfully submitted,

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